

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SARAI GABAR,

Plaintiff,

v.

J. COX, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

No. 4:21-CV-1276 NCC

OPINION, MEMORANDUM AND ORDER

This matter is before the Court upon review of the complaint and supplemental documents filed by plaintiff Sarai Gabar¹. The allegations of the complaint and supplemental filings are not entirely clear. Plaintiff seems to assert a variety of claims relating to municipal violations assessed against plaintiff's property located in St. Louis, Missouri. However, the complaint is defective because, among other things, it was not drafted on the Court's form, *see* E.D. Mo. Local Rule 2.06(A). Most importantly, there is no indication that this Court has jurisdiction over plaintiff's claims as currently written, and plaintiff's allegations are conclusory and fail to explain how any particular individual was personally responsible for violating her rights.² In addition, plaintiff has neither paid the filing fee nor filed a motion for leave to proceed *in forma pauperis*.

Because plaintiff is proceeding *pro se*, the Court will allow her to file an amended complaint on the Court's form. Plaintiff has twenty-one (21) days from the date of this Order to file an amended complaint in accordance with the specific instructions set forth here. All claims

¹Plaintiff is also known as Quansa L. Thompson.

²Although plaintiff claims that she has been asked to vacate her property by St. Louis County authorities, the Court has reviewed Missouri Case.Net and is unable to find any judicial proceedings or municipal proceedings currently pending against her.

in the action must be included in one, centralized complaint form. *See* Fed. R. Civ. P. 7(a)(1), 8(a).

Plaintiff is warned that the filing of an amended complaint replaces the original complaint and all previously-filed pleadings, so plaintiff must include each and every one of the claims she wishes to pursue in the amended complaint. *See, e.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005). Any claims from the original complaint, supplements, and/or pleadings that are not included in the amended complaint will be deemed abandoned and will not be considered. *Id.* The allegations in the complaint may not be conclusory. Instead, plaintiff must plead facts that show how each and every defendant she names is personally involved in or directly responsible for the alleged harm. If plaintiff wishes to sue a defendant in his or her individual capacity, plaintiff must specifically say so in the amended complaint. If plaintiff fails to sue a defendant in his or her individual capacity, this action may be subject to dismissal as to that defendant.

All of plaintiff's claims should be clearly set forth in the "Statement of Claim." If plaintiff fails to file an amended complaint on the Court's form within twenty-one (21) days and in compliance with the Court's instructions, the Court will dismiss this action without prejudice and without further notice.

Accordingly,


IT IS HEREBY ORDERED that the Clerk of Court shall mail to plaintiff a copy of the Court's civil rights complaint form (non-prisoner) and a motion to proceed *in forma pauperis* form for a non-prisoner.

IT IS FURTHER ORDERED that, within **twenty-one (21) days** of the date of this Order, plaintiff shall file an amended complaint on the Court-provided form and in compliance with the Court's instructions.

IT IS FURTHER ORDERED that, within **twenty-one (21) days** of the date of this Order, plaintiff shall either pay the filing fee or submit a motion to proceed *in forma pauperis* on the Court-provided form.

Plaintiff's failure to timely comply with this Order shall result in the dismissal of this action, without prejudice and without further notice.

Dated this 26th day of October, 2021



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE